

Remarks

These amendments and remarks are timely filed in response to the Election/Restriction Requirement dated July 18, 2006. Although no fees are believed to be due, authorization is given to charge any necessary fees to Deposit Account No. 50-0951.

I. Election/Restriction Requirement

At the time of the Election/Restriction Requirement, claims 1-65 were pending. The Examiner restricted the claims into the following groups:

- I. Claims 1-21, drawn to a system;
- II. Claims 22-43, drawn to a stricture;
- III. Claims 44-46, drawn to a method of implanting a stricture; and
- IV. Claims 47-65, drawn to a method of regulating nutrient absorption.

Additionally, the Examiner also issued an election of species. Upon election of one of Groups I or IV in response to the Restriction Requirement, the Examiner required a further election of species as follows:

- Species A – Fig. 1;
Species B – Fig. 8;
Species C – Fig. 9; or
Species D – Fig. 10.

Upon election of one of Groups II or III in response to the Restriction Requirement, or species A in response to the Election Requirement, the Examiner required a further election of species as follows:

- Species E – Fig. 3;
Species F – Figs. 4-5; or
Species G – Figs. 6a – 6c.

II. Election To be Examined

In response, Applicant provisionally elects:

- Group II. Claims 22-43; and
Species F Figs. 4-5.

Applicant respectfully submits that claims 22 – 46 and 62-65 read on the embodiment illustrated in Figs. 4-5. Applicant also respectfully submits that claims 22 and 33 are generic

for at least the embodiments illustrated in Figs. 2-5. Applicant reserves the right to present the withdrawn claims in a divisional application or re-introduce at least some of the claims should a generic claim be allowed.

III. Conclusion

Withdrawal of the outstanding Election/Restriction Requirement and examination on the merits is respectfully requested. The Applicant invites the Examiner to call the undersigned if it is believed that the above election is incomplete or improper in any way, or if a telephonic interview would expedite the prosecution of the above-identified application to an allowance.

Respectfully submitted,

AKERMAN SENTERFITT

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